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UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 DURK BANKS,
17 aka "Lil Durk,"
aka "Mustafa Abdul Malak,"
18 aka "Blood,"

19 Defendant.

No. CR 24-621(A)-MWF-6

GOVERNMENT'S OPPOSITION TO
DEFENDANT BANKS' APPLICATION FOR
RECONSIDERATION OF DETENTION ORDER

20
21 Plaintiff United States of America, by and through its counsel
22 of record, the United States Attorney for the Central District of
23 California and Assistant United States Attorneys Ian V. Yanniello,
24 Gregory W. Staples, and Daniel H. Weiner, hereby files its opposition
25 to defendant's application seeking reconsideration of this Court's
26 detention order.

27 //

28 //

1 This filing is based upon the attached memorandum of points and
2 authorities, the files and records in this case, and such further
3 evidence and argument as the Court may permit.

4 Dated: April 28, 2025

Respectfully submitted,

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7 LINDSEY GREER DOTSON
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9 /s/
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant is charged with directing six hitmen to travel across the country to hunt and kill his rival, T.B. Defendant allegedly orchestrated and financed the brazen murder plot that culminated with shooters ambushing T.B.'s vehicle at a busy gas station in broad daylight, killing S.R.

Following a detention hearing in December 2024, the Court ordered defendant detained based on flight risk and ongoing danger. It reasoned that no conditions of release would reasonably assure the safety of the community, finding that defendant "uses his money, influence and power to endanger individuals whom he perceives as a threat." (Dkt. 116 at 4.) The Court also found that defendant was a flight risk based on his attempt to flee the country immediately after learning of his co-conspirators' arrests. (Id.)

Defendant now seeks reconsideration of that order. But defendant's application fails to address any facts the Court relied on when it made its flight risk and danger findings, and fails to present "information [] that was not known to [defendant] at the time of the hearing **and that has a material bearing**" on his dangerousness and flight, 18 U.S.C. § 3142(f)(2) (emphasis added). Instead, he offers essentially the same bond package the Court already rejected, and seeks to relitigate an immaterial issue about when certain of his violent rap lyrics were written. Indeed, the crux of defendant's application is that he did write lyrics about green lighting someone's murder, just that it wasn't this murder.

1 But the timing of defendant's lyrics and whether or not he
2 "commercialized" his violence through rap (which he did) has little
3 to no bearing on the detention analysis before the Court. The issue
4 here is a narrow one: has defendant presented new information, not
5 known to him in December 2024, that has a material bearing on whether
6 he should be detained pending trial? The answer is no. The
7 government respectfully requests that the Court summarily deny
8 defendant's application for reconsideration.

9 **II. BACKGROUND**

10 **A. The Indictment and Defendant's Attempt to Flee**

11 On October 17, 2024, a grand jury sitting in the Central
12 District of California returned an indictment charging five of
13 defendant's co-conspirators with crimes arising from the murder,
14 including Murder-for-Hire and Conspiracy to Commit Murder-for-Hire
15 Resulting in Death, in violation of 18 U.S.C. § 1958(a). (See Dkt.
16 1.) Defendant was identified as Co-Conspirator 1 throughout the
17 indictment, which listed defendant's involvement in the murder scheme
18 --- including the allegation that he told co-conspirators that he
19 would pay a bounty for T.B.'s murder. (See id. at Overt Act 1.)

20 In the early hours of October 24, 2024, federal and local law
21 enforcement executed multiple search warrants at locations associated
22 with members of defendant's organization "Only the Family," or "OTF"
23 in the Chicago area, and arrested the five charged co-conspirators.
24 (See Criminal Complaint¹ at 4.)

25
26
27 ¹ The Criminal Complaint charging defendant Banks was filed in
28 Case No. 2:24-MJ-065, which has since been merged into the criminal
case.

1 Soon after law enforcement executed the warrants, the FBI
2 learned that defendant had been booked on three international
3 flights, including at least one to a non-extradition country.
4 Defendant skipped the first two flights, and was arrested when he
5 showed up to board a private jet scheduled to leave the United States
6 a short time later. (Id. at 9-10.)

7 On November 7, 2024, the grand jury returned the First
8 Superseding Indictment ("FSI") against defendant and his
9 co-conspirators. (Dkt. 27.) The FSI identified defendant as
10 Co-Conspirator 1 and alleged that he formed and was the leader of OTF
11 --- a group of "individuals who engaged in violence, including murder
12 and assault, at the direction of defendant BANKS and to maintain
13 their status in OTF." (Id. at Introductory Allegations, ¶ 1.) The
14 FSI also included an allegation that defendant commercialized his
15 violence through rap lyrics. (Id. at Introductory Allegations,
16 ¶ 6.)²

17 **B. Defendant Is Ordered Detained**

18 In December 2024, the Court held a detention hearing and
19 considered evidence and argument submitted by the parties. Among
20 other things, defendant made the same argument he now raises in his
21 application to reopen: a claim that the lyrics cited in an
22 introductory allegation in the FSI about "green lighting" violence
23 could not be about S.R.'s murder because defendant wrote the lyrics
24 before the murder occurred. (Dkt. 124 at 26-27 (hearing transcript);
25 Dkt. 137 at 4-6 (application for reconsideration).) During the

26 ² Defendant filed a motion to dismiss the FSI based on false
27 and/or misleading grand jury evidence related to Paragraph 6 of the
28 FSI's Introductory Allegations. (Dkt. 135.) The motion lacks merit
and will be addressed in a separate filing before the District Court.

1 hearing, the Court addressed the matter, finding that "the
2 consistency and timing of the lyrics has some relevance but marginal
3 to the dangerousness issue, which is the issue before me today."
4 (Dkt. 124 at 29:1-8.)

5 After considering the evidence, the Court ordered defendant
6 detained based on flight risk and ongoing danger to the community.
7 (Id. at 43:19-23.) The Court subsequently issued a thorough written
8 detention order. (See Dkt. 116.) As to danger, the Court detailed
9 the allegations against defendant, including that the
10 "co-conspirators, acting at Defendant's direction, traveled to Los
11 Angeles, tracked, stalked, and attempted to kill [T.B.] by gunfire,
12 including a fully automatic firearm, in broad daylight in a busy Los
13 Angeles intersection, and did kill a family member of the target who
14 was traveling with him." (Id. at 4.) The Court also relied on
15 evidence that this was not defendant's first murder-for-hire plot,
16 noting "[i]n a separate matter in Chicago, Defendant is alleged to
17 have engaged in similar conduct, that is he 'offer[ed] money for
18 people to kill those responsible for his brother's murder, and more
19 specifically, offering to pay money for any Gangster Disciple that is
20 killed.'" (Dkt. 116 at 4; see Dkt. 105 [Government's Detention
21 Brief], Ex. 1.) As a result, the Court found "[t]he material
22 proffered by the government supports the conclusion that Defendant
23 uses his money, influence and power to endanger individuals whom he
24 perceives as a threat." (Id.; see Dkt. 105 [Government's Detention
25 Brief], Ex. 2 [Under Seal] at 12, 14-15.)

26 As to flight, the Court rejected the argument that defendant's
27 significant bond package mitigated his risk of nonappearance. Among
28

1 other things, the Court found that defendant "attempted to leave the
2 United States upon learning of the arrests of his co-conspirators."
3 (Dkt. 116 at 3-4.)

4 **III. ARGUMENT**

5 **A. Defendant's Application Fails to Offer Any New Evidence,**
6 **Much Less Evidence that is Material to the Detention**
7 **Analysis**

8 A detention hearing may be reopened only if the "judicial
9 officer finds that information exists that was not known to the
10 movant at the time of the hearing and that has **a material bearing** on
11 the issue whether there are conditions of release that will
12 reasonably assure that appearance of such person as required and the
13 safety of any other person and the community." 18 U.S.C.
14 § 3142(f)(2) (emphasis added). Courts have interpreted this
15 provision strictly, holding that hearings should not be reopened if
16 the evidence was available at the time of the initial hearing. See
17 United States v. Dillon, 938 F.2d 1412, 1415 (1st Cir. 1991) (per
18 curiam) (affirming district court's refusal to reopen hearing where
19 defendant's evidence consisted of information from people who knew
20 him attesting to his likelihood of appearing and non-dangerousness;
21 "this information was available to appellant at the time of the
22 [original] hearing"); United States v. Hare, 873 F.2d 796, 799 (5th
23 Cir. 1989) (same). As to materiality, "[t]o reopen a detention
24 hearing, ... a defendant must proffer evidence that, if true, affects
25 the outcome of the Court's pre-trial detention inquiry" United
26 States v. Chansley, No. 21-CR-3 (RCL), 2021 WL 2809436, at *3 (D.D.C.
27 July 6, 2021).

28 Here, defendant's only proffer of new information is that viral

1 videos --- which overlayed the news clip of S.R.'s death on top of
2 defendant's songs, including lyrics about green lighting a murder ---
3 were made by defendant's fans (some of which have millions of
4 views)³, not defendant. (Dkt. 137 at 5.)⁴ But defendant's claim
5 about the timing of his rap lyrics and the fan-made videos is neither
6 new, nor does it have a "material bearing" on the Court's detention
7 analysis, § 3142(f)(2).

8 Tellingly, defendant's application does not even reference the
9 Court's analysis on danger or flight. It does not explain how
10 defendant's lyrics or fan-made videos undermine "the inference that
11 Defendant, who has considerable resources, attempted to leave the
12 United States upon learning of the arrests of his co-conspirators,"
13 or "that Defendant uses his money, influence and power to endanger
14 individuals whom he perceives as a threat." (Dkt. 116 at 3-4.) Nor
15 could it. At the hearing, defense counsel raised this exact issue of
16 the timing of defendant's lyrics. The Court made clear that the
17 lyrics were not material to its detention analysis. (Dkt. 124 at
18 29:1-8.) The lack of materiality is confirmed by the Court's oral
19

20 ³ See, e.g., "Lil durk - diss quando rondo in a new song 🔥😭
21 #kingvon #lildurk #quandorondo", available at
22 <https://www.youtube.com/shorts/AOWEMNg1v2s> (approximately 544,000
23 views as of April 28, 2025); "Lil Durk really sampled Quando Rondo
24 crying 😭", available at <https://www.youtube.com/shorts/yDgsUXj43yg>
(approximately 4.6 million views as of April 28, 2025); "#lildurk
sampled the 'Noooo' #QuandoRondo said when He lost his homie 😱😱"
available at <https://www.youtube.com/shorts/rVCdjb5VkZo>
(approximately 2.6 million views as of April 28, 2025).

25 ⁴ The lyrics defendant challenges are contained in Paragraph 6
26 of the FSI, which states: "Following the attempted murder of T.B. and
27 the murder of S.R., defendant BANKS sought to commercialize S.R.'s
28 death by rapping about his revenge on T.B. with music that explicitly
references audio from a news clip taken shortly after S.R.'s murder
where T.B. screamed 'no, no!' after seeing S.R.'s dead body." (Dkt.
27 at Introductory Allegations, ¶ 6.)

1 and written explanation of its detention order, neither of which
2 considers (or even mentions) defendant's lyrics or the
3 above-referenced videos.

4 Moreover, defendant's proffer that his fans --- rather than
5 defendant himself --- created the videos linking him to S.R.'s murder
6 is immaterial to defendant's danger or flight. Defendant was not
7 detained because of videos his fans created: he was detained because
8 he is alleged to be the leader of a violent organization; because he
9 orchestrated and funded an execution-style murder with machineguns at
10 a busy gas station; and because he tried to flee the country after
11 his co-conspirators were arrested.

12 But even if the lyrics or the videos had some bearing on the
13 detention analysis, they corroborate defendant's danger. Defendant
14 has repeatedly used his pulpit as a voice of violence, publicly
15 rapped about paying for murders, hunting opponents with machineguns,
16 "bounty hunters" in Beverly Hills --- and other lyrics that have a
17 striking similarity to the modus operandi used to kill S.R.⁵

18 As the Court found in ordering defendant's detention, "defendant
19 uses his money, influence and power to endanger individuals whom he
20 perceives as a threat." Defendant is wrong to suggest he is charged

21 ⁵ For example, defendant was featured on another artist's song
22 in which he raps, "I don't want no niggas who you catch, **I want the**
23 **one I paid for** ... Trollin' ass, **we shot your homie**." "Gucci Mane -
24 Rumors feat. Lil Durk [Official Video]", available at
25 <https://www.youtube.com/watch?v=QVn1DGgqBNo> (emphasis added); see
26 also "Scoom his Ass (ft. Boonie Moe) (Official Video)", available at
27 <https://www.youtube.com/watch?v=HXUDCW4wECY> ("Popping traffic, we in
28 Cali', ride through Beverly Hills with choppers ... dying to see the
oppas"; "Bounty hunter, he ready to crack that lil' bitch down to get
her off"). Although "Scoom his Ass" does not appear to have been
officially released by defendant, the lyrics are authentic as the
government seized the audio file from a co-conspirator's cellular
phone pursuant to a federal search warrant, which has been produced
to the defense. See Bates_Media_638.

1 in this case, or is being detained pending trial, because of his
2 lyrics. It's true that words have power, and that defendant's words
3 about "green lighting" violence and placing bounties may be
4 admissions of criminal conduct. That is for a jury to decide. But
5 this case is not about how defendant made his money; it is about how
6 he allegedly chose to spend his money and wield his power in August
7 2022 --- on death and violence.

8 **IV. CONCLUSION⁶**

9 For the foregoing reasons, the government respectfully requests
10 that this Court deny the application and maintain its order detaining
11 defendant pending trial in this matter.

25 ⁶ As set forth above, the government submits that defendant has
26 failed to meet the threshold showing to establish he is entitled to
27 re-open the detention hearing. To the extent the Court permits the
28 hearing, the government will be prepared to submit additional
evidence showing defendant's dangerousness and willingness to
disregard conditions imposed upon him, including ongoing violations
of BOP rules.